



they can discover during the course of this practice. Plaintiff James Morrow is one citizen victim of this practice.

2. The Defendants' actions challenged herein are in violation of at least the 4<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution, made actionable 42 U.S.C §1983.

3. Plaintiff Morrow, on his own behalf and on behalf of a putative class of similarly situated persons, seeks only equitable relief sufficient to remedy the practices complained of, along with all costs of suit authorized by 42 U.S.C. § 1988.

#### JURISDICTION

4. This Court has jurisdiction of these disputes pursuant to 28 U.S.C. § 1331.

#### PARTIES

5. Plaintiff James Morrow, is a United States citizen and a resident of Pine Bluff, Arkansas.

6. Defendant Barry Washington is at this time sued only in his official capacity as a City of Tenaha Deputy Marshal. Defendant Washington lives in Panola County, Texas. He can be served at his office at 122 N. Center St., Tenaha, Texas 75974.

7. Defendant George Bowers is at this time sued only in his official capacity as the Mayor of the City of Tenaha. He can be served at 122 N. Center St., Tenaha, Texas 75974.

8. Defendant Linda K. Russell is at this time sued only in her official capacity as the District Attorney of Shelby County, Texas. She can be served at her office at 200 San Augustine Street, Center, Texas 75935.

9. Defendant Randy Whatley is at this time sued only in his official capacity as the Shelby County Precinct 4 Constable. He can be served at 368 FM 2669, Tenaha, Texas 75974.

FACTS

10. On or about August 31, 2007, Plaintiff Morrow was driving through Tenaha, Texas, when he was stopped by Defendant Washington, who had no truthful legal justification for the stop.

11. Defendant Washington ordered Plaintiff Morrow to get out of his car, without any legal justification.

12. Defendant Washington searched Plaintiff Morrow's car, without any legal justification.

13. Defendant Whatley arrived on the scene with a dog and also searched Plaintiff's car without legal justification.

14. Defendant Washington also interrogated Plaintiff Morrow, without any legal justification.

15. Defendant Washington discovered no evidence suggesting any criminal activity as a result of the searches and interrogation.

16. Defendant Washington asked Plaintiff Morrow if he had any money and Plaintiff Morrow truthfully said he had about \$3900 in his wallet.

17. Defendants Washington and Whatley then seized, without legal justification, approximately \$3969 from Plaintiff Morrow as well as two cell phones.

18. Defendant Washington arrested Plaintiff Morrow, for what he claimed was "money laundering." Defendant Washington had no reason to believe Plaintiff Morrow was guilty of money laundering.

19. Defendants Washington and Russell told Plaintiff Morrow they would hold him prisoner and prosecute him for money laundering unless he would agree to forfeit the \$3969. Under this duress and these threats, Defendants Washington and Russell forced Plaintiff Morrow to execute documents memorializing the forfeiture, and released him, and warned him to not hire a lawyer or try to get his money back.

20. Defendants never had reason to, or really intended to, prosecute Plaintiff Morrow. Any charges have been dismissed, "in the interest of justice."

21. It is Plaintiff's information and belief that the seized money and property was intended to, and perhaps did, benefit these Defendants and the governmental entities they worked for.

22. It is Plaintiff Morrow's information and belief that for the last two years these Defendants have similarly mistreated other persons similarly situated to Plaintiff Morrow, and that they will continue to do so. As a result, Plaintiff Morrow and others are reasonably compelled to avoid traveling in or through Tenaha, Texas.

23. Defendants' actions and omissions described above were undertaken under color of state law, although their actions represent an abuse of authority.

24. Plaintiff Morrow, and others similarly situated, have suffered harm and continue to suffer harm as a result of the Defendants' actions described above.

25. Defendants' conduct described above constitute violations of 4<sup>th</sup> and 14<sup>th</sup> Amendment rights to be free from unreasonable seizures.

RELIEF SOUGHT

26. Plaintiff Morrow on his own behalf and on behalf of others, seeks the full measure of equitable relief, including declaratory relief and injunctive relief, to remedy the wrongs suffered and to prevent the Defendants from continuing the practices described above.

27. Plaintiff Morrow seeks all costs of suit authorized by 42 U.S.C. § 1988.

Respectfully submitted,

/S/ David J. Guillory

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